

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY APRIL 9, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 1986**

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**Introduced by Assembly Member Linder**

February 19, 2014

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An act to amend ~~and~~ *Section 11208.5 of*, and to repeal Section 11205 ~~of~~ *of*, the Vehicle Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1986, as amended, Linder. Vehicles: traffic violator school program.

*Existing law provides for the licensing and administration by the Department of Motor Vehicles of traffic violator schools, operators, and instructors. Existing law declares the intent of the Legislature to, among other things, make the traffic violator school (TVS) program as effective as possible by developing a comprehensive system of statewide regulation of traffic violator schools, thereby ensuring uniform curricula and consistency in oversight and monitoring. Existing law, until January 1, 2016, requires, by December 31 of each year, the Department of Motor Vehicles to report to the Legislature on the status and progress of the TVS program and of its efforts to implement a comprehensive system of statewide regulation of traffic violator schools, and requires the report to include, among other things, information on the number and type of programs licensed.*

*This bill, until January 1, 2016, would instead require the department to report to the Legislature by December 15 of each year.*

~~Existing law provides for the licensing and administration by the Department of Motor Vehicles of traffic violator schools, operators, and instructors. Existing law authorizes a court, after a deposit of bail and bail forfeiture, a plea of guilty or no contest, or a conviction, to order or permit a person who holds a specified class of driver's license who pleads guilty or no contest to, or is convicted of, a traffic offense to attend a traffic violator school. Existing law requires the court to make available to each person who is ordered to attend traffic violator school the department's current list of licensed traffic violator schools.~~

~~Existing law requires the Department of Motor Vehicles to provide a list of licensed traffic violator schools on its Internet Web site, as specified. For each licensed school, existing law requires the list to indicate, among other things, the modalities of instruction offered. When a court or traffic assistance program (TAP) provides a hard copy list of licensed traffic violator schools to a traffic violator, existing law requires the court or TAP to provide only a current date-stamped list downloaded from the department's Internet Web site.~~

~~This bill would require a list of licensed traffic violator schools to include only those schools that offer classroom-based instruction, and would delete the requirement that the list indicate the modalities of instruction offered for each licensed traffic violator school.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.~~

*The people of the State of California do enact as follows:*

- 1     ~~SECTION 1. Section 11205 of the Vehicle Code, as amended~~
- 2     ~~by Section 193 of Chapter 76 of the Statutes of 2013, is repealed.~~
- 3     ~~11205. (a) The department shall publish semiannually, or more~~
- 4     ~~often as necessary to serve the purposes of this act, a list of all~~
- 5     ~~traffic violator schools which are licensed pursuant to this section.~~
- 6     ~~The list shall identify classroom facilities within a judicial district~~
- 7     ~~that are at a different location from a licensed school's principal~~
- 8     ~~facility. The department shall transmit the list to each municipal~~
- 9     ~~court and to each superior court in a county in which there is no~~
- 10    ~~municipal court, with a sufficient number of copies to allow the~~
- 11    ~~courts to provide one copy to each person referred to a licensed~~
- 12    ~~traffic violator school. The department shall, at least semiannually,~~
- 13    ~~revise the list to ensure that each court has a current list of all~~
- 14    ~~licensed traffic violator schools.~~

1 ~~(b) Each licensed traffic violator school owner shall be permitted~~  
2 ~~one school name per judicial district.~~

3 ~~(c) The referral list shall be organized alphabetically, in sections~~  
4 ~~for each county, and contain subsections for each judicial district~~  
5 ~~within the county. The order of the names within each judicial~~  
6 ~~district shall be random pursuant to a drawing or lottery conducted~~  
7 ~~by the department.~~

8 ~~(d) Except as otherwise provided in subdivision (d) of Section~~  
9 ~~42005, the court shall use either the current referral list of traffic~~  
10 ~~violator schools published by the department when it orders a~~  
11 ~~person to complete a traffic violator school pursuant to subdivision~~  
12 ~~(a) or (b) of Section 42005 or, when a court utilizing a nonprofit~~  
13 ~~agency for traffic violator school administration and monitoring~~  
14 ~~services in which all traffic violator schools licensed by the~~  
15 ~~department are allowed the opportunity to participate, a statewide~~  
16 ~~referral list may be published by the nonprofit agency and~~  
17 ~~distributed by the court. The agency shall monitor each classroom~~  
18 ~~location situated within the judicial districts in which that agency~~  
19 ~~provides services to the courts and is represented on its referral~~  
20 ~~list. The monitoring shall occur at least once every 90 days with~~  
21 ~~reports forwarded to the department and the respective courts on~~  
22 ~~a monthly basis.~~

23 ~~(e) The court may charge a traffic violator a fee to defray the~~  
24 ~~costs incurred by the agency for the monitoring reports and services~~  
25 ~~provided to the court. The court may delegate collection of the fee~~  
26 ~~to the agency. Fees shall be approved and regulated by the court.~~  
27 ~~Until December 31, 1996, the fee shall not exceed the actual cost~~  
28 ~~incurred by the agency or five dollars (\$5), whichever is less.~~

29 *SEC. 2. Section 11208.5 of the Vehicle Code is amended to*  
30 *read:*

31 *11208.5. (a) By December 31, 2011, and by December 31 15*  
32 *of each year thereafter year, the department shall report to the*  
33 *Legislature on the status and progress of its efforts to implement*  
34 *the act that adds this section. This annual report shall include*  
35 *information on all of the following:*

36 *(1) The number and type of programs licensed.*

37 *(2) The average number of days required to process each*  
38 *application for licensure.*

39 *(3) The performance measures established for its monitoring*  
40 *activities, including those contracted out to third parties.*

1 (4) Details with respect to costs to show how fees authorized  
2 by the act that adds this section were expended.

3 (5) A breakdown of all complaints received and their disposition  
4 or resolution.

5 (b) A report to be submitted pursuant to subdivision (a) shall  
6 be submitted in compliance with Section 9795 of the Government  
7 Code.

8 (c) Pursuant to Section 10231.5 of the Government Code, this  
9 section is repealed on January 1, 2016.

10 ~~SECTION 1. Section 11205 of the Vehicle Code, as added by~~  
11 ~~Chapter 599 of the Statutes of 2010, is amended to read:~~

12 ~~11205. (a) The department shall provide a list of licensed~~  
13 ~~traffic violator schools that offer classroom-based instruction on~~  
14 ~~its Internet Web site. For each licensed school, the list shall specify~~  
15 ~~the cities where classroom instruction is offered. The sequential~~  
16 ~~listing of licensed schools shall be randomized daily.~~

17 ~~(b) When a court or traffic assistance program (TAP) provides~~  
18 ~~a hard copy list of licensed traffic violator schools to a traffic~~  
19 ~~violation, the court or TAP shall provide only a current date-stamped~~  
20 ~~list downloaded from the department's Internet Web site. The hard~~  
21 ~~copy list shall include only licensed traffic violator schools offering~~  
22 ~~classroom-based instruction. The hard copy list shall be as current~~  
23 ~~as practicable, but in no event shall a list be distributed with a date~~  
24 ~~stamp that is more than 60 days old.~~

25 ~~(c) The department shall, by April 1, 2012, develop a Web-based~~  
26 ~~database that will enable the department, the courts, and traffic~~  
27 ~~violation schools to monitor, report, and track participation and~~  
28 ~~course completion. Traffic violator schools shall update course~~  
29 ~~information within three business days of class completion and~~  
30 ~~provide to the courts class completion information on a daily basis.~~

31 ~~SEC. 2. Section 11205 of the Vehicle Code, as amended by~~  
32 ~~Section 193 of Chapter 76 of the Statutes of 2013, is repealed.~~